

City of San José
Coyote Valley Specific Plan

Summary of Task Force Meeting
August 13, 2007
City Hall, Committee Rooms W118-120

Task Force Members Present

Co-Chair Councilmember Forrest Williams, Co-Chair Councilmember Nancy Pyle, Supervisor Don Gage, Chuck Butters, Helen Chapman, Pat Dando, Russ Danielson, Craige Edgerton, Dan Hancock, Melissa Hippard, Doreen Morgan, Chris Platten, Ken Saso, Steve Speno, and Neil Struthers.

Task Force Members Absent

Eric Carruthers, Gladwyn D'Sousa, Phaedra Ellis-Lamkins and Steve Schott, Jr.

Technical Advisory Committee (TAC) Members Present

Michele Beasley (Greenbelt Alliance), Shanna Boigon (SCCAO Realtors), Dawn Cameron (County Roads), Michelle Difrancia (Caltrain), Steve Kinsella (Gavilan College), Dr. Alan Nishino (MHUSD), Dunia Noel (LAFCO), Brian Schmidt (Committee for Green Foothills), Pamela Vasudeva (VTA), and Kerry Williams (Coyote Housing Group).

City Staff and Other Public Agencies Present

Anthony Drummond (Council District 2), Lee Wilcox (Council District 10), Rachael Gibson (Office of Supervisor Don Gage), Dave Mitchell (PRNS), Maria Angeles (Public Works), Sal Yakubu (PBCE), Susan Walsh (PBCE), Darryl Boyd (PBCE), Jared Hart (PBCE), Stefanie Hom (PBCE), Regina Mancera (PBCE), and Perihan Ozdemir (PBCE).

Consultants Present

Doug Dahlin (Dahlin Group), Roger Shanks (Dahlin Group), Darin Smith (EPS), Jodi Starbird (David J Powers) and Bill Wagner (HMH Engineers).

Community Members Present (Additional people were present, however, the names below only reflect individuals who identified themselves on the sign-up sheet.)

Peter Benson, Marcy Betlach, Julie Ceballos, Roger Costa, Frank Crane, Consuelo Crosby, Jo Crosby, Robert Eltgroth, Jolanda Ellenberger, Sue Erickson, Leila Forouhi, Lorraine Gabbert, Janet Hebert, Paul Hebert, Virginia Holtz, Dorthy Hinze, Michele Korpos, Scott Kane, Judy Lee, Rick Linquist, Vic LoBue Sr., Joanne McFarlain, Peter Mandel, Mark Anthony Mederios, Susan Marsland, David Marsland, Sarah Muller, Maralee Potter, Minerva Quilala, Peter Rothschild, Kiley Russell, Kathy Sullivan, Erin Sherbert, Shelle Thomas, George Thomas Jr., Bonnie Tognazzini, Al Victors, Donna Wallach, Don Weden, and Kim Weden.

1. Welcome

The meeting convened at approximately 5:30 p.m. with Co-Chairs Councilmember Forrest Williams and Nancy Pyle welcoming everyone to the Coyote Valley Specific Plan (CVSP) Task Force meeting.

Councilmember Williams indicated that Coyote Valley has been in the press lately. There is a view that if the Plan stops, nothing would happen in Coyote Valley. That is not true, since there are existing permits that have been approved to build in Coyote Valley, and some of those permits are being exercised today. There has been no direction from the City Council to stop the Plan, and the Task Force will continue to move forward.

Councilmember Williams added that one of the main objectives of an EIR is to get public input. EIRs have been re-circulated before; it is not a new concept. There are a lot of comments, so staff will need to respond to them. The Task Force needs to find answers, put the plan together, and deliver it to the City Council as expediently as possible. Then the City Council will make the decision as to whether to approve it or not.

Councilmember Pyle echoed Councilmember Williams' sentiments regarding the Plan. She indicated that the negativity surrounding the project is disrespectful to those who help fund and develop the project, and those who have attended Task Force meetings for the past five years. Developers have refrained from exercising their permits, and have worked together in order to build a more perfect community. Staff has taken a lot of criticism that they did not deserve. No one ever expects an EIR to come back with no additional work required on it.

2. Acceptance of Meeting Summaries

- a. Co-chair Councilmember Nancy Pyle called for a motion to accept the June 18, 2007 Task Force Meeting Summary. The motion passed unanimously.
- b. Co-chair Councilmember Nancy Pyle called for a motion to accept the June 5, 2007 Community Meeting Summary. The motion passed unanimously.

3. Presentation: MHUSD Preferred Two High Schools Concept and Joint Venture with Gavilan College (presented by Dr. Alan Nishino, Superintendent of the Morgan Hill Unified School District (MHUSD) and Steve Kinsella, President of Gavilan College)

Dr. Alan Nishino and Steve Kinsella presented their idea on a joint venture high-school and community college in Coyote Valley. There would be a 40-acre main high school campus in the core area, and a 25-acre magnet high school campus adjacent to Gavilan College. The magnet-campus would increase Gavilan College's total acreage to 80-acres, which is required to be considered by the State as a full community college.

The Task Force provided the following comments and questions.

- Would there be a change of size in the high schools? *Yes. Dr. Nishino indicated that there would be a 40-acre high school in the core, and a minimum of 25-acre high school adjacent to Gavilan College, so Gavilan could be a total of 80-acres. The MHUSD needs an extra five-acres more than what is indicated in the current Plan.*
- Supports the collaboration.
- Would the State recognize the college as a full college? *Yes. Steve indicated the bare minimum funding they would receive from the State is \$500,000 a year. A full college receives three-million dollars for operating costs.*
- Are there funding implications for the high school? *Dr. Nishino indicated there are no operating funding implications. Everything is speculative.*
- How likely is John Sobrato, owner of Sobrato Development Companies, willing to trade his land near Gavilan for land in the core? *Dr. Nishino indicated that he cannot speak on behalf of John Sobrato, but they are in talks.*
- When will you know if the land trade is possible? *Dr. Nishino indicated that it depends on how quickly the Plan is implemented. They would not make the land trade now if the Plan is not going to be implemented for a long time.*
- Gavilan College has been losing students, so a northern campus is a good idea to help retain students.
- The concept of one large high school would not provide a good educational experience.
- Where is the land that would be traded located? *Dr. Nishino indicated there is no land yet; everything is still conceptual. But there would be dedicated land in the public realm.*
- John Sobrato owns land that MHUSD needs, and is thinking about buying land in the core? *Yes.*
- There is a conflict between what the MHUSD is trying to do, and what the City wants. Can the MHUSD follow CVSP guidelines, such as LEED, high density, and shared parking, or would they go by their own guidelines? *Steve indicated that the schools are restricted to whatever funding the State provides. The school district is interested in three to four story buildings, but funding may be limited.*
- The Hirsche Center for Environmental Studies at De Anza College is a good example of an environmentally friendly school building. Suggested to build structures like that at Gavilan College. Concerned that State agencies would not follow CVSP guidelines. *Steve indicated they need to look into funding and savings. There may be some savings to do a building like*

the Hirsche Center, but cannot make any guarantees. Dr. Nishino added that the MHUSD constructed a green building and it cost over one-million dollars.

- *Are the State requirements different for K-12 schools than they are for college? Steve indicated funding and square footage calculations are different, but they still need to follow the Field Act.*
- *Some schools do not always follow the amount of acres as the Field Act indicates. Dr. Nishino indicated that there are urban areas where schools can only build vertically because of constraints of the property; not because they desire to, but because it is a necessity. For new development, the constraint is economic and whether there is enough land.*
- *Suggested contracting with Pacific Gas and Electric (PG&E) for solar power. Funding can be done through outside sources.*
- *There was a 60-acre high school campus designated in the Core, and then it was reduced to 40-acres, and now 25-acres at Gavilan College.*
- *How would the high school operate with Gavilan College? Dr. Nishino indicated that it would be a joint-use, so there would be shared facilities. Details have not been ironed out yet.*
- *Would there be any issues with the age difference between high school students and college students? Dr. Nishino indicated that they cannot guarantee anything. There are existing early college high schools. The joint-use is an opportunity to share facilities with different schedules. A lot of community colleges have high school students attending; it is a matter of awareness and parent awareness.*
- *Would the magnet high school be screened for acceptance? Dr. Nishino indicated that is not the plan right now. The joint-use high school would offer students a choice.*
- *The idea is intriguing and innovative.*
- *Career-Technical Education (CTE) is an emphasis on technical education. CTE has a good success rate. The joint-use high school has the potential to further the CTE goal.*
- *Overlays can be placed on parcels for alternative uses. A high school overlay could be placed on the Sobrato property, and a housing overlay on the designated high school site in the core. The zoning overlay could be executed when the partnership between Sobrato and MHUSD becomes effective.*
- *There is a joint-use college in Evergreen.*
- *Would this plan take the place of two high schools? Yes.*
- *Supports continuing the analysis of a joint-high school.*
- *Suggested staff to make an overlay to accommodate the uses. Sal Yakubu, Principal Planner with the Department of Planning, Building, and Code Enforcement, indicated that staff is familiar with overlay designations. They will continue to explore the idea of overlays.*

4. Overview of Draft EIR Comments and Implications (presented by Darryl Boyd, Principal Planner with the Department of Planning, Building, and Code Enforcement)

The Task Force provided the following questions and comments:

- What did the “Vineyard” case determine? *Darryl indicated that the Vineyard Area Citizens for Responsible Growth, Inc. vs. City of Rancho Cordova, California case involved the adequacy of a water supply analysis contained in an EIR. The courts indicated that there was not enough analysis on potential environmental impacts of providing the future water supply. CVSP Staff is doing more analysis on water supply, and will address the issue in the revised and re-circulated Draft EIR.*
- Will expanding the scope of the project change the EIR? *No.*
- Supports staff’s decision to re-circulate the Draft EIR.
- Is there enough staff for the CVSP? *Darryl indicated staff will have a better answer once they figure out the scope of work.*
- What is the schedule for re-circulation? *Darryl indicated they will have a better idea of the schedule in September.*
- Were there studies submitted as comments on the Draft EIR? *Yes.*
- For the Evergreen East Hills Vision Strategy, there was a matrix that indicated project and program level development. It was helpful. *Darryl indicated that staff is working on a similar spreadsheet, although it will be much bigger.*
- The CVSP attempts to reduce traffic, but the EIR indicates there will still be a lot of traffic in Coyote Valley. *Darryl indicated that it depends on how the data is interpreted. The VTA 2030 model, which is the model that was used, is based on past practices.*
- Suggested having a traffic consultant explain the traffic analysis to the Task Force. *Darryl indicated there will be more clarification on traffic in the Draft EIR.*
- What is the relationship of the specific plan to the EIR? Does the specific plan need to be finished prior to the EIR? How close is staff to finishing the specific plan? *Darryl indicated that staff is taking mitigation measures from the EIR and incorporating them into the Plan as policies, as appropriate. The phasing plan is the biggest piece that needs to be done to fill in the gaps.*
- Will the EIR reflect the final specific plan? *Darryl indicated the re-circulated EIR will be based on the revised project description.*
- How will the CVSP coincide with the General Plan Update? The General Plan Update looks at remaining undeveloped land; cannot do that with CVSP going on. *Darryl indicated that staff is aware of that issue, but their marching orders are to continue the CVSP process.*
- The housing analysis indicates there would be a minimum of 25,000 housing units. However, the Draft EIR indicates 25,000 housing units as a maximum, which allows no flexibility for subsequent housing approvals. *Darryl indicated that traffic and air quality were analyzed for more than 25,000 housing units (approximately 26,400).*
- Phasing will help with the EIR.
- Mitigation measures with certain phases of development will help with the analysis. *Sal indicated that staff has been working on phasing. That issue will be presented at the next Task Force meeting.*

The public provided the following comments:

- Brian Schmidt, with the Committee for Green Foothills, commended staff’s decision to re-circulate the Draft EIR. Plans usually evolve from the General Plan, and then the Specific Plan is incorporated into the General Plan. The General Plan update should be completed

first. Brian recommended that the CVSP be finished and that the EIR be re-circulated after the General Plan update is completed. The Habitat Conservation Plan (HCP) may also be done by the time the General Plan update is completed.

- Leila Forouhi, a San Jose State student, appreciates addressing the issue of sustainability in the CVSP, but feels there is evidence that indicates developing Coyote Valley would be a mistake. If the City moves forward with the Plan, it shows the City does not support democracy. She indicated that the U.S. Fish and Wildlife and the Department of Fish and Game recommend that Coyote Valley be part of the Natural Communities Conservation Plan (NCCP). There is also a lack of funding for public transportation. Developers should consider developing in North San Jose and do infill development. The CVSP goals are inconsistent with the information in the Draft EIR. Developers are required by law to do an EIR. They have an invested interest in making money.
- Donna Wallach feels the CVSP will have tremendous impacts on wildlife and human beings. Money is not important, but life and the rights of animals are important.

5. 15 minute BREAK (*cancelled*)

6. Overview of Existing San Jose 2020 General Plan Triggers (presented by Sal Yakubu, Principal Planner with the Department of Planning, Building and Code Enforcement)

The Task Force provided the following questions and comments:

- Is there a priority for the triggers? *Councilmember Williams indicated that that City Council can review the triggers to see what the priorities should be, but there is no prioritization right now. Sal added that the current triggers were created in 1984. There are already 20,000 jobs permitted in North Coyote Valley. Jobs can be approved before the fiscal triggers are met.*
- Is there an implication to change the existing triggers? The current triggers preclude development of the CVSP. *Councilmember Williams indicated the Task Force's job is to complete the Plan. The timing for the implementation of the CVSP would be reviewed in the General Plan update. The Task Force can make recommendations to the City Council regarding how the triggers can be changed. Sal added that the City Council has directed staff to continue working on the CVSP. The discussion of triggers is intended to prepare the Task Force for upcoming discussions on phasing.*
- Can only implement the CVSP if the triggers are modified. *Councilmember Williams indicated they need to figure out how to balance jobs and housing.*
- There are not enough jobs for the amount of existing housing. Building more housing is going to exacerbate the problem.
- The Plan should be put on hold until jobs and housing are figured out. If San Jose is already a bedroom community, then adding more homes and no jobs is going backwards. *Councilmember Williams indicated housing has not been built yet.*
- The only way to do the Plan is if the triggers are modified. *Councilmember Williams indicated that the goal of the CVSP is to try to balance jobs and housing. There will be a discussion on phasing to analyze how to best implement the Plan.*

- The plan for Coyote Valley is to create a livable and walk able community. If there are no jobs but only housing, the people living there would not be the people working there. *Councilmember Williams clarified that they are not going to build housing before jobs. There will be a discussion about phasing at the next Task Force meeting.*
- Does the City's budget need to be balanced or show a surplus to meet the fiscal trigger? *Sal indicated that fiscal trigger in the 2020 General Plan reads: "A five year economic forecast for the City which projects a balanced budget or budget surplus for each of the forecast years."*
- What does the City Council Vision and Expected Outcome #15 indicate? *Sal clarified that any development must match up housing and jobs, and the project must be self-sustaining. The project would not use any resources from City of San Jose's general fund.*
- Would the Plan pay for itself? Are there additional triggers once development occurs? *Sal indicated that the June 26, 2007 City Council direction is to comply with existing triggers. Staff has not been directed to develop other triggers.*
- There are no triggers to develop jobs in Coyote Valley. There are existing entitlements that allow up to 20,000 jobs in Coyote Valley. The purpose of the CVSP is to plan a better way to develop jobs and housing together. But the longer the process takes and the existing triggers could determine what type of land use planning occurs in Coyote Valley. Need to consider how triggers affect the Plan, and how existing entitlements could be built once the CVSP is adopted.
- What is the process to consider the changing the triggers? *Councilmember Williams indicated there will be a discussion on that topic at the next Task Force meeting.*
- Triggers were created so property owners in Coyote Valley could not develop their land. As the triggers were met, more triggers were created. The current triggers need to be changed; the triggers are not compatible with the CVSP. Development is already happening that do not meet the goals of the CVSP. Need to get the Plan right.
- Why is the CVSP Task Force discussing triggers when the General Plan Update Task Force will discuss them? *Councilmember Williams indicated that the CVSP is bound by the 2020 General Plan triggers.*
- North First Street did not have a plan at the time of development. Housing was built first, but there were no jobs to support it. Now there is a Task Force to create a plan and balance the jobs and housing in the area.
- North First Street did have jobs before housing. The jobs were meant to create tax revenue for the City. But there should have been jobs, housing, parks and community centers built at the same time. The CVSP is a chance to "do it right".
- If jobs did not come first at North First Street, there would be no Silicon Valley.
- Has there been a financial feasibility study conducted? *Sal indicated they will discuss phasing at the next Task Force meeting, and the financial feasibility analysis will be presented soon.*
- The General Plan does not conform to Specific Plans. Specific Plans should conform to the General Plan. The CVSP can inform how the General Plan Update process could occur.
- The Task Force should remember the original intentions of the CVSP. The Task Force should deliver a plan to the City Council that meets all of the CVSP goals. The triggers are inconsistent with the Plan, but can still create a plan that meets all of the goals. The Task Force is an advisory body, but should be proud of the Plan.

- The Task Force needs to be transparent with recommendations to the City Council.
- Global warming should be addressed in the EIR.
- Need to do research if the triggers are to be changed.

The public provided the following comments and questions:

- David Marsland, with The Sierra Club and the Greenbelt Alliance, applauded the City on their work on the CVSP, and for incorporating policies on greenhouse gases in the Plan. He is in favor of keeping the existing triggers. The goal is to have jobs and housing together; smart growth is important. If there is just housing, there is going to be gridlock. It is important to preserve the Greenbelt.
- Dorothy Hinze is concerned about the effects the CVSP would have on City services. The City budget was in a 13-million dollar deficit this year. There is a projected shortfall for the next five-years. The existing triggers should remain; need to make sure the City has enough money for services.
- Shanna Boigon, with the Santa Clara County Association of Realtors, is glad to see the City working with the City of Morgan Hill. She commended the Task Force for their work. Suggested the City, County of Santa Clara, and the City of Morgan Hill work together to form a Greenbelt Strategy. Supports the idea of the magnet high school at Gavilan College; students need to be more competitive. Also indicated that housing should be near employment.
- Brian Schmidt, with the Committee for Green Foothills, disagrees that specific plans control general plans. The existing triggers ensure that Coyote Valley does not develop until the time is right. It is not the job of the CVSP Task Force to recommend changing the triggers; it will be up to the General Plan Update Task Force to consider that issue.
- Leila Forouhi, a student at San Jose State University, indicated that if there is housing before jobs, people would work elsewhere, and vice versa. There should be a plan to provide jobs near affordable housing. Development has already begun in Coyote Valley. Has there been any consultation with the Natives in Coyote Valley? They are not represented on the Task Force.
- Donna feels that if the triggers were put in place to stop development in Coyote Valley, then the triggers should remain. People did not live on North First Street when it was developed. How can we guarantee people would live and work in Coyote Valley? The Plan does not promote affordable housing and jobs; it is a Plan for developers to make money. Coyote Valley should not be developed.
- Kerry Williams, with the Coyote Housing Group, indicated that there are different interpretations on what the City Council decided at their June meeting, regarding the CVSP. It would be helpful for staff to clarify. Her understanding is that the June meeting was about the work program for the General Plan Update. The City Council considered whether or not to include a discussion on CVSP triggers in the General Plan Update. The City Council felt it was premature to talk about changing the triggers when the CVSP Task Force has not completed their work. The City Council decided not to include a change or discussion to the CVSP triggers in the General Plan Update work plan for now. However, the City Council did not put constraints on the CVSP Task Force to not consider a change in the triggers. If the CVSP Task Force recommends a change to the triggers, and if the City Council agrees a

change has merit, then it should be incorporated into the General Plan. The CVSP Task Force is the appropriate venue for discussion on all issues related to the CVSP, not the General Plan Update Task Force. The CVSP Task Force has done great work, and should be allowed to continue to bring its recommendation to City Council for adoption early next year.

7. Public Comments

- Consuelo Crosby, property owner in the Greenbelt, has attended almost all CVSP Task Force meetings in the past five years. She indicated that the last Task Force meeting summary did not accurately include all her comments. She wanted to clarify that it is the Task Force's responsibility to create a plan for the Greenbelt, and the Task Force should be updated on the status at every meeting (*Note: The 6/18/07 Task Force Meeting Summary has been revised to reflect these changes*). The CVSP Draft EIR indicates that the Greenbelt Strategy will be updated, but nothing has been done. There used to be meetings with the Greenbelt property owners, but there has not been one in the last three years, and she would like to know why. The discussion of the triggers bypasses any plans for the Greenbelt. The Greenbelt has become junky. Property owners cannot cultivate the land or sell it. Would like the County to take a look at what is going on. Would like an update on what is planned for the Greenbelt at the next meeting.
- Frank Crane, representing the Mikami Family Property in Coyote Valley, indicated that Coyote Valley is being developed now, so there needs to be a good plan to ensure the right type of development. If we do not make adjustments to the Plan or the Draft EIR, the process is going to keep going on and there will be hodgepodge development in the meantime. Coyote Valley can be viable without increasing global warming. Developing the Plan is not going to generate more people; the same numbers of people are going to be elsewhere. Providing jobs near housing would not increase global warming. There are no specifications for global warming, so it is tough to address the issue.
- Jo Crosby, property owner in the Greenbelt, indicated that this meeting's discussion is encouraging. There is a section in the CVSP Draft EIR that indicates, "Clarify the Coyote Greenbelt Strategy"; but it cannot be clarified if it does not exist. Suggested using the word "create" instead. He has been attending CVSP meetings for the last five-years, and information about the Greenbelt always changes, but nothing ever occurs. The last Task Force meeting summary indicates that he said his property has been "reduced by 10%"; but should be clarified to read, "reduced to 10%" (*Note: The June 18, 2007 Task Force Meeting Summary has been revised to reflect this change*). The asking price of his land has remained at \$120,000.00/acre, but bids from Santa Clara County Open Space Authority are for \$12,000.00/acre. Need to know what is going on in the Greenbelt.
- David Marsland, with the Sierra Club and Cool Cities San Jose, referred to the Sierra Club Policy from May 2, 2006 that indicates development should only occur after analysis of infill of opportunities in San Jose. The CVSP should include mitigation policies for the Greenbelt and agricultural lands; those areas should be retained. Need to keep what is left of the Valley of Hearts Delight.
- Mark Anthony Mederios respects all work that has been done by the CVSP Task Force. He

feels the Plan would be built no matter the circumstances, just because of the amount of time already put into the effort. The legacy of the farmers and the people of Coyote Valley need to be respected. Would like his kids to see Coyote Valley.

- Leila Forouhi, a student at San Jose State University, indicated that there can be compromises even though there are conflicting interests. Does not think the CVSP is a done deal. Suggested doing infill and compact development. The City is already running out of land. She does not see any other logical reason to develop Coyote Valley, only for developers to make money.
- Darlene recommended reading End Game, volumes I and II, by Derrick Jensen. The books depict the importance of preservation. Need to protect the species that are left; there are already a lot of extinct species.
- Mandy indicated that there will be a conference on August 20th and 21st in Quebec, Canada between the Prime Minister of Canada and the President of Mexico to discuss plans for a North American union. On September 30th, plans will be given to each of these countries regarding the benefits of the merger of Canada, the United States, and Mexico. The plans focus on taking away the borders, and people would be able to live and work as they please. It is important to preserve as much farmland as possible to feed local people. Do not like idea of depending on other countries for sources of food.

The Task Force provided the following comments:

- Suggested reading the upcoming Saturday edition of “House and Home” in the San Jose Mercury newspaper. It will talk about farming in the backyard, and how productive it can be.

8. Adjourn

Co-chair Councilmember Forrest Williams thanked everyone for coming to the Task Force meeting.

He adjourned the meeting at approximately 8:20 p.m.

The next Task Force meeting will take place on September 10, 2007, from 5:30 to 7:30 p.m.